

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RODERIC A. CARUCCI et al.,

Plaintiffs,

vs.

WELLS FARGO HOME MORTGAGE et al.,

Defendants.

3:09-cv-00712-RCJ-VPC

**ORDER**

Plaintiffs Roderic A. and Suzanne Carucci sued Defendants Wells Fargo Home Mortgage and Bank of America in state court over the foreclosure of their mortgage, bringing a single cause of action to quiet title to the Reno, Nevada property. (*See* Compl., Oct. 21, 2009, ECF No. 1, at 6). The state court entered default against Wells Fargo but denied Plaintiffs a default judgment. This Court denied a successive motion for default judgment and set aside the entry of default. Plaintiffs moved to amend the Complaint to add a claim for fraud as well as certain state and federal statutory violations, but before ruling on that motion the Court granted a stay for the parties to negotiate a short-sale of the subject property. A joint status report was due on April 4, 2011. Plaintiffs filed their own status report because the parties could not agree on a joint report. Defendants did not file their own report. Plaintiffs' report includes motions to lift the stay due to the failure of the short-sale negotiations and to amend the Complaint as originally requested and to add fraud and breach claims arising out of the failed negotiations. The court will deny the prior motion to amend as moot and grant the present motion to lift the stay and to amend the Complaint.

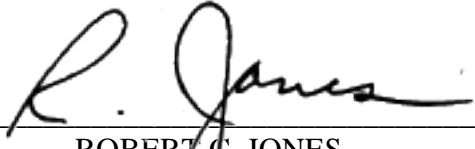
**CONCLUSION**

IT IS HEREBY ORDERED that the Motion to Lift Stay and Amend (ECF No. 49) is GRANTED. Plaintiffs shall have twenty-one (21) days to amend the Complaint.

IT IS FURTHER ORDERED that the Motion to Amend (ECF No. 46) is DENIED as moot.

IT IS SO ORDERED.

Dated this 7<sup>th</sup> day of April, 2011.

  
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ROBERT C. JONES  
United States District Judge